

Application No. 10/734,123

REMARKS

Applicant has carefully studied the outstanding Official Action mailed on September 20, 2004. This response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

The drawings stand objected because of labels in Figs. 1-3. The Examiner states they should be replaced by reference characters.

Applicant respectfully traverses this objection. In accordance with 37 CFR 1.84(p)(1) standards for drawings: "Reference characters (**numerals are preferred**) [*emphasis added*], sheet numbers, and view numbers must be plain and legible, and must not be used in association with brackets or inverted commas, or enclosed within outlines, e.g., encircled." Although numerals are preferred, it is respectfully submitted there is nothing wrong with using labels, and indeed a great many patents use them.

Claims 1-4, 6 and 8 stand rejected under 35 USC §102(b) as being anticipated by Dennis et al.

Claim 5 stands rejected under 35 USC §103(a) as being unpatentable over Dennis et al.

Claim 7 stands rejected under 35 USC §103(a) as being unpatentable over Dennis et al. in view of Ficat et al.

Claim 1 has been amended to recite that the replacement ligamentum teres femoris is non-slidingly attached to a replacement femoral head. Examiner has already correctly noticed and stated that Dennis et al. does not have such a replacement ligament, rather in Dennis et al., the ligament is slidingly attached to the femoral head.

Applicant respectfully traverses the rejection to claim 5. In re Japikse says that mere relocation of parts involves only routine skill in the art. However, it is clear in In re Japikse that if the relocation of parts provides a significant change or advantage, then the relocation of parts is not trivial nor is it obvious and it is patentable. In the present invention, as clearly stated in the specification, the inventors have found the ligament to have proprioceptive characteristics. The position of the ligament is significant in this respect, because it is well known that the proprioceptive characteristics change upon the attachment location of the ligament (e.g., affects how the muscles and nerves respond). Although the invention is not limited to the placement of the ligament, nevertheless the ligament attachment location is a distinguishing feature, which the medical practitioner can select to provide tailor-made proprioceptive functionality.

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The rejection to claim 7 is also respectfully traversed, but is moot in light of the amendment to claim 1. Claim 2 has been canceled as containing material recited in the amended claim 1. Claim 9 has been added to recite further structure not found in the cited art.

Accordingly, it is respectfully submitted that claims 1 and 3-9 are deemed to be in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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(Signature)